

HB0767



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0767

Introduced 2/1/2005, by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

720 ILCS 5/9-3

from Ch. 38, par. 9-3

Amends the Criminal Code of 1961. Provides that in cases involving reckless homicide, the defendant's driving of a motor vehicle or operating a snowmobile, all-terrain vehicle, or watercraft at an excessive rate of speed may be the sole evidence of a reckless act.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing
5 Section 9-3 as follows:

6 (720 ILCS 5/9-3) (from Ch. 38, par. 9-3)

7 Sec. 9-3. Involuntary Manslaughter and Reckless Homicide.

8 (a) A person who unintentionally kills an individual
9 without lawful justification commits involuntary manslaughter
10 if his acts whether lawful or unlawful which cause the death
11 are such as are likely to cause death or great bodily harm to
12 some individual, and he performs them recklessly, except in
13 cases in which the cause of the death consists of the driving
14 of a motor vehicle or operating a snowmobile, all-terrain
15 vehicle, or watercraft, in which case the person commits
16 reckless homicide. A person commits reckless homicide if he or
17 she unintentionally kills an individual while driving a vehicle
18 and using an incline in a roadway, such as a railroad crossing,
19 bridge approach, or hill, to cause the vehicle to become
20 airborne.

21 (a-5) In cases involving reckless homicide, the
22 defendant's driving of a motor vehicle or operating a
23 snowmobile, all-terrain vehicle, or watercraft at an excessive
24 rate of speed may be the sole evidence of a reckless act.

25 (b) (Blank).

26 (c) (Blank).

27 (d) Sentence.

28 (1) Involuntary manslaughter is a Class 3 felony.

29 (2) Reckless homicide is a Class 3 felony.

30 (e) (Blank).

31 (e-5) (Blank).

32 (e-7) Except as otherwise provided in subsection (e-8), in

1 cases involving reckless homicide in which the defendant was
2 driving in a construction or maintenance zone, as defined in
3 Section 11-605 of the Illinois Vehicle Code, the penalty is a
4 Class 2 felony, for which a person, if sentenced to a term of
5 imprisonment, shall be sentenced to a term of not less than 3
6 years and not more than 14 years.

7 (e-8) In cases involving reckless homicide in which the
8 defendant was driving in a construction or maintenance zone, as
9 defined in Section 11-605 of the Illinois Vehicle Code, and
10 caused the deaths of 2 or more persons as part of a single
11 course of conduct, the penalty is a Class 2 felony, for which a
12 person, if sentenced to a term of imprisonment, shall be
13 sentenced to a term of not less than 6 years and not more than
14 28 years.

15 (e-9) In cases involving reckless homicide in which the
16 defendant drove a vehicle and used an incline in a roadway,
17 such as a railroad crossing, bridge approach, or hill, to cause
18 the vehicle to become airborne, and caused the deaths of 2 or
19 more persons as part of a single course of conduct, the penalty
20 is a Class 2 felony.

21 (f) In cases involving involuntary manslaughter in which
22 the victim was a family or household member as defined in
23 paragraph (3) of Section 112A-3 of the Code of Criminal
24 Procedure of 1963, the penalty shall be a Class 2 felony, for
25 which a person if sentenced to a term of imprisonment, shall be
26 sentenced to a term of not less than 3 years and not more than
27 14 years.

28 (Source: P.A. 92-16, eff. 6-28-01; 93-178, eff. 6-1-04; 93-213,
29 eff. 7-18-03; 93-682, eff. 1-1-05.)